

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. LATOURETTE

(To the Amendment Offered by: Mr. Hutchinson)

AMENDMENT NO. 27: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—SENSE OF CONGRESS
REGARDING BUCKLEY DECISION

SEC. 401. SENSE OF CONGRESS REGARDING
BUCKLEY DECISION.

(a) FINDINGS.—Congress finds as follows:

(1) Congress should seek to ensure that all citizens, regardless of wealth, have an equal voice in elections and an equal opportunity to run for public office.

(2) Congress should seek to further the principle of "one person, one vote" and to preserve the integrity of the democratic system.

(3) Congress should seek to limit corruption with respect to elections and the appearance of such corruption.

(4) The unlimited use of money to influence elections is incompatible with the principles of free speech and equal protection established under the first and fourteenth amendments of the Constitution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order for Congress to enact effective campaign finance reforms, the 1976 Supreme Court ruling in *Buckley v. Valeo* that limitations on expenditures in political campaigns are unconstitutional should be overturned.

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments offered by: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 28: Add at the end the following new title:

TITLE ____—PERMANENT
AUTHORIZATION OF FEC

SEC. ____01. PERMANENT AUTHORIZATION OF
FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by striking "and \$9,400,000" and inserting "\$9,400,000"; and

(2) by striking the period at the end and inserting the following: ", \$36,504,000 for the fiscal year ending September 30, 1999, and such sums as may be necessary for the fiscal year ending September 30, 2000, and each succeeding fiscal year."

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments offered by: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 29: Add at the end the following new title:

TITLE ____—POLITICAL CONTRIBUTIONS
ON FEDERAL PROPERTY

SEC. ____01. POLITICAL CONTRIBUTIONS ON FED-
ERAL PROPERTY.

(a) AMENDMENT.—Section 607 of title 18, United States Code, is amended to read as follows:

"§607. Political contributions on Federal
property

"(a) Whoever, on Federal property—

(1) knowingly receives or solicits a political contribution, including solicitation by telephone or electronic means; or

(2) sponsors an event which is a direct or indirect reward for a past, present, or future political contribution,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) A person shall have an affirmative defense, which must be proven by a preponderance of the evidence, to the prohibition in this section against knowingly receiving a political contribution if the person, within 10 days after receiving such political contribution—

"(1) with respect to a political contribution from an identifiable contributor—

"(A) returns the political contribution to the contributor;

"(B) informs the contributor that receipt of the political contribution on Federal property is prohibited by this section; and

"(C) reports the return of the political contribution to the Federal Election Commission; or

"(2) with respect to a political contribution from a contributor who is not identifiable, pays the amount of the political contribution to the Secretary of the Treasury for deposit in the general fund of the Treasury, and reports such payment to the Federal Election Commission.

"(c) In this section—

"(1) the term 'Federal property' means—

"(A) any real property owned or controlled by the Federal Government, including the chambers of the House of Representatives and the Senate and any congressional office; and

"(B) any vehicle, vessel, or aircraft owned or controlled by the Federal Government;

"(2) the term 'political contribution' means any donation of money, property, or services to or for the benefit of a political organization as defined in section 527(e)(1) of the Internal Revenue Code of 1986."

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by amending the item relating to section 607 to read as follows:

"607. Political contributions on Federal property."

SEC. ____02. NOTICE TO FEDERAL OFFICE HOLD-
ERS.

(a) CURRENT FEDERAL OFFICE HOLDERS.—Within 100 days after the date of the enactment of this Act, the Clerk of the House of Representatives shall transmit a copy of section 607 of title 18, United States Code, to each individual who holds Federal office on the date of the enactment of this Act.

(b) NEW FEDERAL OFFICE HOLDERS.—The Clerk of the House of Representatives shall, on the date on which an individual assumes Federal office after the date of the enactment of this Act, transmit a copy of section 607 of title 18, United States Code, to such individual.

(c) FEDERAL OFFICE DEFINED.—In this section, the term "Federal office" has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments offered by: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 30: Add at the end the following new title:

TITLE ____—POLITICAL CONTRIBUTIONS
ON FEDERAL PROPERTY

SEC. ____01. POLITICAL CONTRIBUTIONS ON FED-
ERAL PROPERTY.

(a) AMENDMENT.—Section 607 of title 18, United States Code, is amended to read as follows:

"§607. Political contributions on Federal
property

"(a) Whoever, on Federal property—

(1) knowingly receives or solicits a political contribution, including solicitation by telephone or electronic means; or

(2) sponsors an event which is a direct or indirect reward for a past, present, or future political contribution,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) A person shall have an affirmative defense, which must be proven by a preponderance of the evidence, to the prohibition in this section against knowingly receiving a political contribution if the person, within 10 days after receiving such political contribution—

"(1) with respect to a political contribution from an identifiable contributor—

"(A) returns the political contribution to the contributor;

"(B) informs the contributor that receipt of the political contribution on Federal property is prohibited by this section; and

"(C) reports the return of the political contribution to the Federal Election Commission; or

"(2) with respect to a political contribution from a contributor who is not identifiable, pays the amount of the political contribution to the Secretary of the Treasury for deposit in the general fund of the Treasury, and reports such payment to the Federal Election Commission.

"(c) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to Federal property, and if such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.

"(d) In this section—

"(1) the term 'Federal property' means—

"(A) any real property owned or controlled by the Federal Government, including the chambers of the House of Representatives and the Senate and any congressional office; and

"(B) any vehicle, vessel, or aircraft owned or controlled by the Federal Government;

"(2) the term 'political contribution' means any donation of money, property, or services to or for the benefit of a political organization as defined in section 527(e)(1) of the Internal Revenue Code of 1986."

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by amending the item relating to section 607 to read as follows:

"607. Political contributions on Federal property."

SEC. ____02. NOTICE TO FEDERAL OFFICE HOLD-
ERS.

(a) CURRENT FEDERAL OFFICE HOLDERS.—Within 100 days after the date of the enactment of this Act, the Clerk of the House of Representatives shall transmit a copy of section 607 of title 18, United States Code, to each individual who holds Federal office on the date of the enactment of this Act.

(b) NEW FEDERAL OFFICE HOLDERS.—The Clerk of the House of Representatives shall, on the date on which an individual assumes Federal office after the date of the enactment of this Act, transmit a copy of section 607 of title 18, United States Code, to such individual.

(c) FEDERAL OFFICE DEFINED.—In this section, the term "Federal office" has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendment Offered by: Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT No. 31: Add at the end the following new title:

TITLE ____—DISCLOSURE OF INFORMATION ON PHONE BANKS AND POLLS

SEC. ____01. DISCLOSURE REQUIREMENT FOR PHONE BANK COMMUNICATIONS.

Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended, in the matter before paragraph (1), by inserting after "broadcasting station" the following: "phone bank."

SEC. ____02. DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE

"SEC. 323. (a) IDENTITY OF SPONSOR.—Any person who conducts a Federal election poll by telephone or electronic device shall disclose to each respondent the identity of the person paying the expenses of the poll. The disclosure shall be made at the end of the interview involved.

"(b) REPORT TO COMMISSION.—In the case of any Federal election poll by telephone or electronic device in which more than 1,200 households are surveyed—

"(1) if the results are not to be made public, the person who conducts the poll shall report to the Commission the total cost of the poll and all sources of funds for the poll; and

"(2) the person who conducts the poll shall report to the Commission the total number of households contacted, and include with such report a copy of the poll questions.

"(c) DEFINITION.—As used in this section, the term 'Federal election poll' means a survey in which the respondent is asked to state a preference in a future election for Federal office."

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendment Offered by: Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT No. 32: Add at the end the following new title:

TITLE ____—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. ____01. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the "Independent Commission on Campaign Finance Reform" (referred to in this title as the "Commission"). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 402. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) 3 members (one of whom shall be a political independent) shall be appointed from

among a list of nominees submitted by the Speaker of the House of Representatives.

(B) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint 3 members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term "political independent" means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party officeholder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party officeholder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than 4 members of the Commission may be of the same political party.

SEC. 403. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least 9 members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 404. ADMINISTRATIVE PROVISIONS.

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 405. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Fifth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which 9 or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 406. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a

recommendation of the Commission submitted under section ____05(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section ____05(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 407. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section ____05.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered by: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 33: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—EXPEDITED REVIEW OF ALLEGATIONS OF CAMPAIGN LAW VIOLATIONS

SEC. 401. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and (to the greatest extent possible) issue the decision prior to the date of the election involved.

“(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

“(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

“(B) whether an expenditure is an independent expenditure under section 301(17).”.

(b) CONFORMING AMENDMENT.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437g(a)(5)(C)) is amended by striking “subsection (d)” and inserting “subsection (e)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered by: Mr. Bass)

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee

may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

“(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

“(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

“(B) whether an expenditure is an independent expenditure under section 301(17).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered by: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 35: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

“(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

“(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

“(B) whether an expenditure is an independent expenditure under section 301(17).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.